

**GUAM ANCESTRAL LANDS COMMISSION  
REGULAR MEETING MINUTES  
Via Zoom with Live-Streaming on YouTube  
October 21, 2022 • 2:10 p.m. to 4:45 p.m.**

**CALL TO ORDER**

Chairman Eclavea called to order the virtual, special meeting of the Guam Ancestral Lands Commission (GALC) at 2:10 p.m. In compliance with Public Law 24-109, notices of the meeting were published in *The Guam Daily Post* on Friday, October 14, 2022, and Wednesday, October 19, 2022.

**ROLL CALL**

Executive Director Burch took roll call and stated they had a quorum.

**Commission Members Present**

Ronald F. Eclavea, Chairman  
Ronald T. Laguana, Vice Chairman  
Maria G. Cruz, Secretary/Treasurer  
Angela M. Camacho, Commissioner  
Anita F. Orlino, Commissioner  
Jeffrey B. Rios, Commissioner  
Louisa F. Wessling, Commissioner

**Management and Staff Present**

John T. Burch, Executive Director  
Cathi T. C. Blas, Special Projects Coordinator  
Joey Leon Guerrero, Land Agent II  
Andy Mendiola, Land Agent I  
Mara Perez, Word Processing Secretary

**Absent**

Nicolas E. Toft, Legal Counsel, Office of the Attorney General (OAG)

**Also Present**

Melanie Mendiola, CEO/Administrator, Guam Economic Development Authority (GEDA)  
Diego Mendiola, Real Property Manager, GEDA  
Mary Camacho, Real Property Supervisor, GEDA  
Tony Arriola, Program Coordinator III, GEDA  
Meagan Obispo, Program Coordinator I, GEDA  
Jennifer Calvo, Esq., Northern Market (NM)

## **APPROVAL OF MINUTES**

### **A. September 14, 2022 Regular Board Meeting Minutes**

**Motion to approve the September 14, 2022 Regular Meeting Minutes, subject to corrections per audio recording, made by Secretary/Treasurer Cruz, seconded by Commissioner Camacho. There was no discussion. Chairman Eclavea called for a vote. Motion passed unanimously.**

### **B. September 29, 2022 Special Board Meeting Minutes**

**Motion to approve the September 29, 2022 Special Board Meeting Minutes, subject to corrections per audio recording, made by Secretary/Treasurer Cruz, seconded by Commissioner Camacho. There was no discussion. The Chairman called for a vote. Motion passed with 1 abstention.**

## **EXECUTIVE DIRECTOR'S REPORT**

*This report was in the meeting packet and is also attached here.*

Executive Director Burch reported on the GALC IT Infrastructure Upgrade and Modernization Project, (GALC) Independent Audit Services RFP, Oversight Hearing for the Proposed Medical Health Campus, GALC Bank Accounts and Fund Balances, and Request for Entry (ROE) Parcel 7146.

The Board discussed the Request for Entry (ROE) to Parcel 7146. The ROE came from Madelyn Martinez, Formerly Used Defense Site (FUDS) Project Manager for the US Army Corps of Engineers (USACE), Honolulu District. The Director stated there was an issue regarding jurisdiction over Lot 7146, because Governor Gutierrez had unilaterally transferred Lot 7146 to the GALC without legislative approval. The Director said that according to Legal Counsel Toft, the deed is likely invalid. The Director said three GovGuam agencies may have jurisdiction: the Department of Parks and Recreation (DPR), the Chamorro Land Trust Commission (CLTC), or GALC. The Director stated the recommendation was to grant the ROE if all three agencies agree to approve it. The Chairman asked if the primary issue at hand was the ROE. The Director said, yes. Secretary/Treasurer Cruz expressed concern that giving their approval for the ROE could be seen as accepting the transfer of Parcel 7146 to GALC. The Director and Chairman clarified that the ROE would only be granted once all three agencies approved it. Commissioner Wessling expressed concern that the issue regarding jurisdiction over Lot 7146 could void the ROE at some later date. Commissioner Rios asked if a letter from the Office of the Governor was needed in this situation. The Director stated it was the legislature that would decide the matter of the deed, not the governor.

**Motion to approve the ROE (from Madelyn Martinez, FUDS Project Manager, USACE) for Parcel 7146 (Hanom, Yigo) made by Vice Chairman Laguana, seconded by Commissioner Rios. The Chairman called for a vote. Motion passed unanimously.**

## **GEDA PROGRESS REPORT – Presented by Tony Arriola**

*This report was in the meeting packet and is also attached here.*

Mr. Arriola provided updates on GEDA's management of Land Bank Trust properties, the Investment Committee, and the F-12 Polaris Mitigation Plan. Mr. Arriola gave the following revisions to the written report:

1. KwikSpace's last payment was made on October 14, 2022 and not September 13, 2022 as stated in the written report. This left KwikSpace with a zero outstanding balance.
2. Matson's last payment of \$27,733.00 was made on October 7, 2022 and not September 30, 2022 as stated in the written report. This left Matson with a zero outstanding balance.

The Board discussed Ms. Jennifer Calvo's letter to Ms. Melanie Mendiola of GEDA dated October 20, 2022 (Ms. Calvo's letter is attached), which presented a proposal from Northern Market (NM) addressing their rent deferment and arrears. No action was taken. GEDA stated they would study the lease document with NM, the history of payments, the concerns of the OPA, and NM's proposal. GEDA said they would then put together a package for the GALC to consider in time for the next regular board meeting.

### **OLD BUSINESS**

None.

### **NEW BUSINESS**

#### **A. Draft Amendment 21 GCA Ch 80 for Land Bank Beneficiaries**

The Director stated Governor Leon Guerrero transmitted this into a bill, Bill No. 345-36, "The Land Bank Reform Act of 2022". The Director said the 3 main goals of this bill were to clarify the criteria for compensation eligibility, to provide multiple funding streams, and to provide means for claims to be calculated for distribution to the heirs. The Director said a lot of people worked hard and long to put this together including GEDA, the Office of the Governor, and around 50 original land owners or heirs. The Vice Chairman asked if this bill allowed for land exchanges. The Director said yes.

#### **B. Resolution No. 2022-009 Transfer of Funds "Land Bank Trust Fund"**

The Director stated Resolution No. 2022-009 would close after maturity Account 0404 from the Land Bank Trust Fund and deposit \$324,241.73 plus all interest earned into a 3 Month Jumbo Term Share with automatic rollover at Coast 360.

**Motion to approve Resolution No. 2022-009 as stated by the Director made by Secretary/Treasurer Cruz, seconded by Commissioner Wessling. There was no discussion. The Chairman called for a vote. Motion passed unanimously.**

#### **C. TAP Grant Authorization to Proceed**

The Director stated GALC was awarded a \$185,301 Technical Assistant Program Grant (TAP) for their IT infrastructure Upgrade and Modernization Project. Ms. Cathi Blas was assigned as the GALC Project Manager for this project. More information on this project was covered in the Executive Director's Report.

## PUBLIC COMMENTS

None.

## ANNOUNCEMENT

The next regular GALC Board Meeting was scheduled for November 16, 2022.

## ADJOURNMENT

Commissioner Orlino motioned to adjourn. The Chairman thanked everyone and adjourned the meeting at 4:45 p.m.

**Additional Remarks:** Please refer to the Office of Public Accountability's (OPA) website for the GALC Board Meeting Audio Recording for detailed information.

### APPROVED BY:

### DATE APPROVED:



**Ronald F. Eclavea, Chairman**  
Guam Ancestral Lands Commission

**18 NOV 2022**

### SUBMITTED BY:



**Mara Perez, Word Processing Secretary**  
Guam Ancestral Lands Commission

### REVIEWED AND APPROVED BY:



**John T. Burch, Executive Director**  
Guam Ancestral Lands Commission

**MEMORANDUM****Date: October 21, 2022****To: All Members, Guam Ancestral Lands Commission****From: Executive Director****Re: Executive Director's Report**

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**GALC IT Infrastructure Upgrade and Modernization Project:**

The Office of Insular Affairs (OIA) awarded the Guam Ancestral Lands Commission a \$185,301

Technical Assistant Program Grant (TAP) for our IT Infrastructure Upgrade and Modernization Project, as detailed in our proposal submitted on March 24, 2022. The grant award period is June 1, 2022 through September 30, 2025. We recently received authorization to proceed with the IT infrastructure project from the U.S. Department of Interior. Cathi Blas is assigned as the GALC Project Manager for this project.

The purpose of the project is for the GALC to upgrade and modernize its IT infrastructure by procuring supplies (software and hardware) and professional services (digitization and website support) as necessary to maintain operations and improve efficiencies. The GALC works with limited staff to address hundreds of acres of excess federal properties pending transfer with thousands of fragile land records pending digitization. To date, the GALC has been able to scan only 0.5% of the files, many of which are in poor condition and deteriorating due to insect damage and/or time. The COVID-19 pandemic placed additional pressure on the GALC to provide much needed services to the community and has highlighted IT shortfalls as the Commission strives to digitize documents and conduct land ownership research while maintaining basic operations. Scanning and digitization of GALC's records is needed to meet basic agency objectives and to archive land records while they remain salvageable. Additionally, IT support, website design services, and upgraded equipment will allow the GALC to improve operations and establish its own website to provide service content, allow for greater information exchange, improve access points for community stakeholders, and provide greater transparency for Commission activities.

**(GALC) Independent Audit Services RFP:**

October 7, 2022, the GALC and the Office of the Public Auditor (OPA) held a bid opening and pre-evaluation for RFP No. GALC22-001 for Independent Financial Audit Services.

The GALC and the OPA is soliciting proposals from a U.S. Certified Public Accountant firm for an audit of the GALC's Survey, Infrastructure and Development Fund for Fiscal Years 2022, 2023, and 2024, subject to the availability and certification of funds from fiscal year to fiscal year, with an option to renew for one ( 1) additional fiscal year, with the approval of the Public Auditor. As required by 1 GCA § 1908 (a) The Public Auditor shall, annually, audit or cause to be conducted post-audits of all the transactions and accounts of all departments, offices, corporations, authorities, and agencies in all of the branches of the government of Guam. Required audit reports include a report on the financial statements and reports on internal control and compliance.

**Oversight Hearing for the Proposed Medical Health Campus:**

An oversight hearing for the Proposed Medical Health Campus is scheduled for Tuesday, October 18, 2022 at 2:00 p.m. in the Guam Congress Building , Public Hearing Room. The Committee on Health, Land, Justice and Culture is requesting GALC to provide any planning, analysis design contracts, site analysis, or proposed leases allowing access to Eagles Field and the surrounding areas. GALC's involvement with the Medical Campus has been limited to identifying the original landowners and heirs of the site selected for the Medical Campus and sharing with them the intent to build the Medical Campus on their ancestral lands and our assessment of the substantial impact U.S. Public Law 106-504 has in curtailing the prior practice of returning excess federal lands to the original landowners.

**GALC Bank Accounts and Fund Balances:**

Attached for your review are the latest GALC Bank Accounts and Fund Balances.

**Attachment A**

**Request For Entry (ROE) Parcel 7146:**

Madelyn Martinez, FUDS Project Manager US Army Corps of Engineers - Honolulu District, is requesting to be granted a Right-Of-Entry (ROE), not to exceed sixty (60) months, for Lot 7146 Hanom Yigo also known as FUDS (Formerly Used Defense Sites) Guam Area 101, Yigo. The intent is to investigate, collect samples and, if required, clean up potential contamination or munitions that may remain on this property from past Department of Defense (DOD) activities.

The DOD is responsible for the environmental restoration (cleanup) of properties that were formerly owned by the United States. The U.S. Army is DOD's lead agent for the FUDS Program. The U.S. Army Corps of Engineers executes the FUDS Program on behalf of the U.S. Army and DOD.

At issue is which GovGuam agency has jurisdiction over Lot 7146. Lot 7146 along with Lots 7100, 7102, and 7103 were unilaterally transferred by Governor Gutierrez to the GALC without Legislative approval. According to Assistant Attorney General Nicolas Toft, "Lot 7146 doesn't fall into any category whereby it would be automatically transferred to the GALC by the mechanisms of Title 21 GCA Chapter 80. So, the deeds are likely invalid".

There are three (3) GovGuam agencies that may have jurisdiction over Lot 7146, the Department of Parks and Recreation, the Guam Ancestral Lands Commission, and the Chamorro Land Trust Commission. To resolve the issue of jurisdiction to allow the ROE for Lot 7146 it was recommended to request approval from all three GovGuam agencies.

**Attachment B: Location Map Lot 7146**

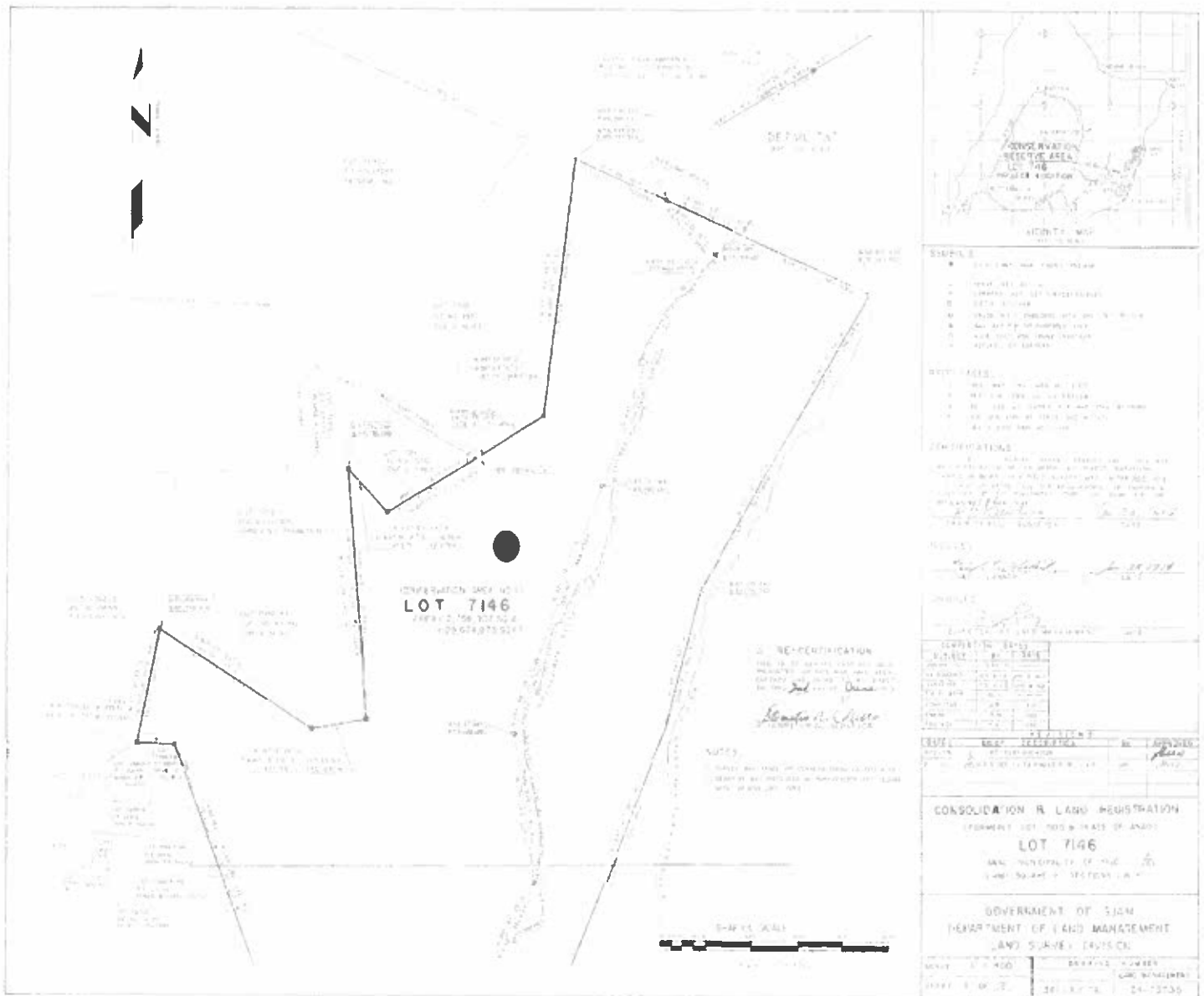
Thank you for the opportunity to present this update. Please let me know if further information is required.

**ATTACHMENT A****Coast 360 Trust for Guam Ancestral Lands Commission October 10,  
2022**

<b>ACCOUNT NUMBER</b>	<b>ACCOUNT NAME</b>	<b>MATURITY DATE</b>	<b>INTEREST RATE</b>	<b>AVAILABLE</b>	<b>BALANCE</b>
100	Trust Share Savings		0.25	1,478,059.31	1,478,064.31
101	Landowner's Recovery Fund		0.25	5,037.82	5,037.82
102	SID Fund		0.25	622,463.97	622,463.97
200	Checking Operations Fund		0.23	495.99	495.99
404	36 Month Term Share	12/6/2022	2.20	224,241.73	324,241.73
409	3 Month Jumbo Term Share	11/6/2022	0.45	904,760.51	1,004,760.51
410	3 Month Jumbo Term Share	11/6/2022	0.45	904,760.51	1,004,760.51
411	3 Month Jumbo Term Share	11/6/2022	0.45	904,760.51	1,004,760.51
412	3 Month Jumbo Term Share	11/6/2022	0.45	904,760.51	1,004,760.51
413	3 Month Jumbo Term Share	11/6/2022	0.45	904,760.51	1,004,760.51
414	3 Month Jumbo Term Share	10/21/2022	0.45	985,193.52	1,085,193.52
415	3 Month Jumbo Term Share	10/21/2022	0.45	2,167,608.90	2,267,608.90
416	3 Month Jumbo Term Share	12/15/2022	0.45	459,115.25	559,115.25
417	3 Month Jumbo Term Share	12/15/2022	0.45	239,820.99	339,820.99
418	3 Month Jumbo Term Share	12/20/2022	0.45	2,583,422.25	2,683,422.25
419	3 Month Jumbo Term Share	10/25/2022	0.45	973,012.69	1,073,012.69
	<b>TOTAL SHARES</b>			<b>14,262,274.97</b>	<b>15,462,279.97</b>

**Bank of Hawaii Trust for Guam Ancestral Lands Commission July 31,  
2022**

<b>ACCOUNT NUMBER</b>	<b>ACCOUNT NAME</b>	<b>MATURITY DATE</b>	<b>INTEREST RATE</b>	<b>AVAILABLE</b>	<b>BALANCE</b>
217	Trust Share Savings		0.02	64,339.46	64,339.46







Yigo

Lot 7146

**MEMORANDUM**

Date: October 7, 2022  
To: Executive Director, Guam Ancestral Lands Commission  
From: Deputy Administrator  
Subject: GEDA Monthly Progress Report

**Hafa Adai!**

The following is a progress report on GEDA's efforts to manage Land Bank Trust properties as required by Section 1(i) of the MOU between GEDA and GALC Land Bank Trust:

**➤ Wettengel Junction : Northern Market, LLC (NM)**

Monthly Rent	Outstanding Balance
\$ 27,854.51	\$ 1,454,290.70

- Total Deferred Balance (\$1,208,646.25) and Total Interest Balance (\$245,644.45) = Total outstanding balance (\$1,454,290.70) as of 10/1/2022.
- Northern Market's Extended 1 year Full Rent Deferral expires on Oct 31, 2022. Tenant is fully aware of terms and conditions indicated on Nov.29, 2021 letter.

**➤ Apra Harbor Parcel No. 1 (Commissary Junction): KwikSpace**

Monthly Rent	Outstanding Balance
\$ 3,989.13	\$ 3,989.13

- Last payment received on 09/13/2022 in the amount of \$3,989.13

**➤ Apra Harbor Reservation F-12: Matson**

Monthly Rent	Outstanding Balance
\$ 27,733.00	\$ 27,733.00

- Last payment received on 09/30/2022 in the amount of \$27,733.00

**➤ Lot Apra Harbor Reservation F-12-R2: Trans Steel**

Monthly Rent	Outstanding Balance
\$ 500.00	\$9,300.00

- Tenant on a month-to-month tenancy and payment plan from May 2021 to present.
- Last payment received on 10/03/2022 in the amount of \$600.00

➤ **Tanguisson Cable Landing Station, Dededo (Lot 10192): AT&T**

Monthly Rent	Outstanding Balance
\$ 22,939.42	\$0

- Tenant makes regular monthly payments via EFT at the beginning of every month.
- Last payment received on 10/04/2022 in the amount of \$22,939.42.

➤ **Lot Apra Harbor Reservation F-12 Polaris Point: Smithbridge Guam**

Monthly Rent	Outstanding Balance
\$8,800.00	\$0

- Lease agreement was signed and recorded on 08/31/2022. Lease commenced on 09/01/2022.
- Tenant will be making monthly payments at the beginning of every month.

➤ **Lot 10155-1: Farmers Cooperative Association of Guam (FCAG)**

Annual Rent	Outstanding Balance
\$ 3,253.90	\$ 0

- Lease payment due for CY 2021 was paid on 10/3/2022 in the amount of \$3,253.90.
- FCAG Rep. Kathrina Reyes stated they are currently working on CY 2021 financial statements for submission. Statements required to determine amount due for CY2022. Response made per email on 9/21/2022.
- FCAG Rep. Kathrina Reyes stated that FCAG'S non profit status was reinstated on 9/28/2022. (attached certificate)

**TIYAN PROPERTIES**

➤ **Guam Environmental Protection Agency (GEPA)**

Monthly Rent	Outstanding Balance
\$ 8,000.00	\$ 232,000.00

- Tenant makes regular monthly payments via EFT before the end of the month.
- Last payment received on 9/27/2022 in the amount of \$8,000.00

➤ **DPHSS (WIC)**

Monthly Rent	Outstanding Balance
\$ 8,400.00	\$ 37,499.35

- Tenant makes regular monthly payments via EFT before the end of the month.
- Last payment received on 09/8/2022 in amount of \$8,400.00

## OTHER ITEMS

### ➤ Investment Committee

- GALC/GEDA held a Special Investment Meeting on Thursday, September 29, 2022 with Financial Advisors from Raymond James (RJ). Amanda Gima will be the RJ Point of Contact for the GALC account.
- RJ submitted a draft of the Investment Policy Statement (IPS) outlining the policies and procedures in effectively supervising, monitoring and evaluating the investment of the Guam Ancestral Lands Commission Fund assets. Committee members and Director Burch will further review the IPS draft to be presented to the GALC, at a later date.
- The 20<sup>th</sup> Pacific Region Investment Conference was recommended for GALC Commission and designated committee members to attend for investment training. The conference will be held on from Nov. 14-18, 2022 in Makati, Philippines. A travel budget will be presented at the next meeting.
- The Strategic Planning Working Session will be scheduled. This exercise will include the investment advisors and the Commissioners in a collaborative manner to help craft the IPS, its timeliness and parameters.

### ➤ F-12 Polaris Mitigation Plan

- Smithbridge Guam will issue a Notice of Intent to Award to PCR Environmental to prepare the Mitigation Plan and Budget and work closely with PCR in developing the scope of work. Upon completion, the SOW and Budget will be presented to the commission for approval.
- Development of the SOW is managed by SBG, the Implementation of the SOW will seek approval; and thereafter, the Mitigation will also seek approval.

Should you have any questions, please contact us at 671-647-4332. *Si Yu'os Ma'ase'* for your continued support in generating revenues for the beneficiaries of the Trust.

Senseramente,

  
**CARLOS BORDALLO**  
Deputy Administrator

Attachment: FCAG'S BPT Exemption Certificate.